

UNITED STATES DISTRICT COURT
for the
Southern District of Mississippi



United States of America)

v.)

Alberto Avalos-Lopez)

)

) Case No. 2:14-mj- 30

-MTP

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 25, 2014 in the county of Jones in the
Eastern District of MS, Southern Division, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(5)(A) Possession of a firearm by an alien illegally or unlawfully present in the
United States.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Stephen Lindgren, SA, Homeland Security Investigations
Printed name and title

Sworn to before me and signed in my presence.

Date: October 30, 2014

Judge's signature

City and state: Hattiesburg, MS

Michael T. Parker, United States Magistrate Judge
Printed name and title

AFFIDAVIT

Stephen M. Lindgren, being duly sworn, hereby deposes and states as follows:

FACTS AND CIRCUMSTANCES

1. Your affiant is a Special Agent with Homeland Security Investigation and has been employed as a Special Agent since 1996. This affidavit is based on my personal knowledge and information I have received from officers of the Jones County Sheriff's Office and other law enforcement agencies.

2. On August 24, 2014, at approximately 2:05 a.m. Officer Jeff Monk, of the Laurel Mississippi Police Department was approached by a male subject and advised that a Hispanic male had come to his home and shot at him and that Hispanic male was now in the parking lot on Maple Street. Officer Monk was informed by the victim that the suspect's name was Alberto Lopez and he had a firearm on his person. Jones County Deputies were working security at the business and located Alberto Lopez. Officer Monk overheard Deputies giving verbal commands to someone to remove their hands from their pockets. Shortly thereafter, Alberto Lopez was handcuffed and searched and a small bag of cocaine was found in his pocket. Officers did not find a firearm. On October 1, 2014, Alberto Lopez was found guilty of illegal possession of a controlled substance.

3. On October 25, 2014, at approximately 5:15 a.m., Deputy Shannon Koss Beech, of the Jones County Sheriff's Office, was dispatched to 3304 Ellisville Boulevard, Lot 215 in reference to a complaint of a Hispanic male standing outside the residence brandishing a firearm in his waistband. Deputy Koss made contact with the complainant and was advised the Hispanic man in question departed in a tan vehicle and drove over to lot 214. Deputy Koss went to lot 214 and observed a tan Kia Optima, Mississippi license JQA 192. Deputy Koss observed, in plain view, a revolver resting in the driver's seat of the vehicle and a baseball bat lying on the floor on the passenger side of the vehicle. Deputy Koss also observed a case of Corona beer in the passenger seat. Deputy Koss was unable to make contact with the driver of the vehicle. Deputy Koss was advised by the complainant that the Hispanic male in question was last seen walking between the trailers.

4. At approximately 8:24 a.m. Deputy Koss was dispatched to 3304 Ellisville Boulevard in reference to the same Hispanic male. Upon entering the trailer park Deputy Koss observed the same vehicle, a tan Kia Optima, Mississippi license JQA 192 parked in front of trailer 214 with a Hispanic male seated in the driver's seat. Deputy Koss pulled behind the Kia Optima and parked. Deputy Koss, using verbal commands, had the driver exit the vehicle. At this time Deputy Koss handcuffed the driver for officer safety purposes. The Hispanic male was identified as Alberto Avalos Lopez. During a search of the vehicle Deputy Koss observed an open bottle of Corona beer in the cup holder. Deputy Koss noticed that the case of beer was relocated to the back seat and the baseball bat was still on the floorboard on the passenger side. In the center console of the vehicle was a 38 caliber Smith and Wesson revolver, serial number C886852.

5. Deputy Welch contacted Officers from Immigration and Customs Enforcement to determine the status of Avalos Lopez. Deputies were advised to place a detainer on Avalos Lopez for immigration purposes.

6. Deputy Koss transported Avalos Lopez to the Jones County Jail and charged Avalos Lopez with Public Drunk and Possession of Beer in a dry County. The firearm was placed into evidence locker number one.

7. Immigration and Customs Enforcement Officers Rodney Sharff and Mike McGehee arrived at the Jones County Jail and questioned Avalos Lopez as to his immigration status in the United States and Avalos Lopez admitted to being in the United States illegally. Officer Sharff advised Avalos Lopez of his Miranda rights and Avalos Lopez requested a lawyer.

8. A record check through the indices of Immigration and Customs Enforcement revealed that subject Alberto Avalos Lopez has never been awarded lawful residence or documents prescribed by statute for entry into or as evidence of authorized stay or employment in the United States.

9. A record check of the vehicle indicates the tan Kia Optima with Mississippi license JQA 192 is registered to the driver Alberto Lopez.

10. Based on all of the information set forth above, your affiant believes that there is probable cause to believe the Alberto Avalos Lopez violated Title 18 of the United States Code, Section 922(g)(5), in that he is an alien illegally or unlawfully in the United States, and that he did possess a firearm (Smith and Wesson .38 caliber pistol) which has been transported in interstate commerce.



Stephen M. Lindgren, Special Agent

Sworn to and subscribed before me this 30 day of October 2014.



Lee R. Lillard
United States Magistrate Judge